

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MARIA L MONTES**

Claimant

**APPEAL 19A-UI-07521-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**

Employer

**OC: 06/02/19**

**Claimant: Appellant (1)**

Iowa Code § 96.6(3) – Appeals

Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights

Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

On September 23, 2019, Maria L. Montes (claimant) filed a timely appeal from the September 23, 2019, reference 01, unemployment insurance decision that denied benefits based on the decision made in the prior claim year that determined she refused a suitable offer of work with QPS Employment Group, Inc. (employer). After due notice was issued, a telephone conference hearing was held on November 5, 2019 and consolidated with the hearing for appeal 19A-UI-07518-SC-T. The claimant participated personally. The employer participated through Alexis Greenslade, Assistant Branch Manager, and was represented by Mai Lor, Unemployment Specialist. Spanish interpretation was provided by David (employee number 10300) from CTS Language Link. No exhibits were admitted into the record. The administrative law judge took official notice of the claimant's claim history.

**ISSUE:**

Was the issue of work refusal adjudicated in a prior unemployment insurance decision?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The decision at issue was adjudicated in a prior claim year filed May 27, 2018 and denied unemployment insurance benefits. The unemployment insurance decision denying benefits was affirmed by the administrative law judge in appeal 19A-UI-07518-SC-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the work refusal issue was adjudicated in a prior claim year and that decision has been affirmed. Benefits are denied.

Iowa Code section 96.6(3) provides:

Filing – determination – appeal.

3. Appeals.

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to the all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The issue of work refusal was resolved in a prior claim year (original claim date May 27, 2018) by the unemployment insurance decision dated September 20, 2019, reference 05, which has been affirmed. The current decision, referring to the prior claim year decision for the same date of work refusal, is also affirmed.

**DECISION:**

The September 23, 2019, reference 01, unemployment insurance decision is affirmed. The prior decision on the separation remains in effect.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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